

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO  
4 PLAINTIFF(S):

5 LARNZY CARPENTER & BETTY CARPENTER

6 Plaintiffs

7  
8 v.

9 ☒ AMYLIN PHARMACEUTICALS, LLC,  
10 ☒ ELI LILLY AND COMPANY,  
11 ☒ MERCK SHARP & DOHME CORP.,  
☐ NOVO NORDISK INC.,

12 (Check all the above that apply)

13 Defendants

Pertains To Civil Action No.:

In Re: Incretin-Based Therapies  
Products Liability Litigation

**MDL NO. 2452**

**SHORT FORM COMPLAINT  
FOR DAMAGES**

Case No.: 13md2452 AJB(MDD)

14 **SHORT FORM COMPLAINT FOR DAMAGES**

15 COMES NOW the Plaintiff(s) named herein, and for Complaint against the  
16 Defendants named herein, incorporates and fully adopts the Master Form Complaint  
17 (the "Master Complaint") in MDL No. 2452 by reference. Plaintiff(s) further shows  
18 the Court as follows:

19 **JURISDICTION AND VENUE**

20 1. Jurisdiction in this Complaint is based on:

21 ☒ Diversity of Citizenship

22 ☐ Other (As set forth below, the basis of any additional ground for  
23 jurisdiction must be pleaded in sufficient detail as required by the  
24 applicable Federal Rules of Civil Procedure):

25 \_\_\_\_\_  
26 2. District Court and Division in which you might have otherwise filed  
27 absent the direct filing order entered by this Court: U.S. District Court –  
28



1 Northern District of Mississippi – Aberdeen Division.

2 3. Plaintiff(s) further adopts the allegations contained in the following  
3 paragraphs of the Jurisdiction and Venue section of the Master Complaint:

4 ☒ Paragraph 10;

5 ☒ Paragraph 11;

6 ☒ Paragraph 12;

7 ☒ Paragraph 13;

8 ☒ Paragraph 14;

9 ☒ Paragraph 15; and/or

10 ☐ Other allegations as to jurisdiction and venue (Plead in sufficient detail  
11 in numbered paragraphs (numbered to begin with 3(a)) as required by the  
12 applicable Federal Rules of Civil Procedure): \_\_\_\_\_

13 \_\_\_\_\_  
14 PLAINTIFF/INJURED PARTY INFORMATION

15 4. Injured/Deceased Party's Name: Larnzy Carpenter (the  
16 "Injured Party").

17 5. Any injury (or injuries) suffered by the Injured Party in addition to  
18 those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to  
19 have been caused by the drug(s) ingested as set forth below (put "None" if  
20 applicable): None.

21 6. Injured Party's spouse or other party making loss of consortium claim:  
22 Betty Carpenter.

23 7. Other Plaintiff(s) and capacity, if Injured Party is deceased or  
24 otherwise incapacitated (i.e., administrator, executor, guardian, representative,  
25 conservator, successor in interest): N/A.

26 8. City(ies) and State(s) of residence of Injured Party at time of ingestion  
27 of the Drug(s): Starkville, Mississippi  
28 \_\_\_\_\_.



1           9.     City and State of residence of Injured Party at time of pancreatic  
2 cancer diagnosis (if different from above): Same.

3           10.    City and State of residence of Injured Party at time of diagnosis of  
4 other Injury(ies) alleged in Paragraph 5 (if different from above): N/A.

5           11.    If applicable, City and State of current residence of Injured Party (if  
6 different from above): Same.

7           12.    If applicable, City and State of residence of Injured Party at time of  
8 death (if different from above): N/A.

9           13.    If applicable, City and State of current residence of each Plaintiff,  
10 including any Consortium and or other Plaintiff(s) (i.e., administrator, executor,  
11 guardian, representative, conservator, successor in interest): Same  
12 \_\_\_\_\_.

13           14.    Check box(es) of product(s) (the "Drugs") for which you are making  
14 claims in this Complaint:

15               ☒ Byetta. Dates of use: On or about 2006-2011.

16               ☒ Januvia. Dates of use: On or about 2007-2008.

17               ☒ Janumet. Dates of use: On or about 2010-2013.

18               ☐ Victoza. Dates of use: \_\_\_\_\_.

19           15.    Date of pancreatic cancer diagnosis: On or about 09/09/2013.

20           16.    If applicable, date of other injuries alleged in Paragraph 5: \_\_\_\_\_  
21 \_\_\_\_\_.

22           17.    If applicable, date of death: N/A.

23                               DEFENDANTS NAMED HEREIN

24                               (Check Defendants against whom Complaint is made)

25               ☒ Amylin Pharmaceuticals, LLC

26               ☒ Eli Lilly and Company

27               ☒ Merck Sharp & Dohme Corp.

28               ☐ Novo Nordisk Inc.



1 CAUSES OF ACTION

2 (Counts in the Master Complaint brought by Plaintiff(s))

3 ☒ Count I – Strict Liability – Failure to Warn

4 ☒ Count II – Strict Liability – Design Defect

5 ☒ Count III – Negligence

6 ☒ Count IV – Breach of Implied Warranty

7 ☒ Count V – Breach of Express Warranty

8 ☒ Count VI – Punitive Damages

9 ☒ Count VII – Loss of Consortium

10 ☐ Count VIII – Wrongful Death

11 ☐ Count IX – Survival Action

12 ☐ Other Count(s): \_\_\_\_\_

13 Plead factual and legal basis for any Other Count(s) in separately numbered  
14 Paragraphs (beginning with Paragraph 18) that provide sufficient information  
15 and detail to comply with the applicable Federal Rules of Civil Procedure.  
16 \_\_\_\_\_  
17 \_\_\_\_\_.

18 PRAYER FOR RELIEF AND, AS APPLICABLE,

19 PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

20 WHEREFORE, Plaintiff(s) pray(s) for relief as set forth in the Master  
21 Complaint filed in MDL No. 2452.

22 JURY DEMAND

23 Plaintiff(s) hereby ☒ demands ☐ **does not** demand a trial by jury on all  
24 issues so triable.

25 Dated: October 2, 2015.

26  
27 RESPECTFULLY SUBMITTED,  
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By: /s/ James R. Segars, III

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